

REMARKS

Claims 80, 82, 84, 85, 87-90, 92, 94-99, 102-106 and 108-143 are pending. The disclosure was objected to for failing to provide a detailed description of Fig. 25. Applicants have added a description of Fig. 25 to the specification. This description was taken from previous commonly-assigned patent no. 5,697,909 (at col. 5, lines 52-64; col. 14, lines 22-35) that has been incorporated herein by reference.

Applicant has canceled claim 101 and amended claims 80, 84, 92, 98, 99, 102, 105, 106, 108 and 109 to address the Examiner's 112 rejections on pages 2 and 3 of the Office Action. With regard to claim 84, applicant requests that the Examiner withdraw the 112 rejections. Claim 84 recites that the return electrode is spaced a certain distance (0.5 to 25 mm) from the electrode terminal. This is a structural limitation that distinguishes the probe from, for example, one in which the return electrode is spaced 50 mm from the electrode terminal. Moreover, this limitation generally applies to most of the embodiments illustrated in the application (with the exception of Figs. 12-14), including the embodiments relating to smoothing body structures (Fig. 25). To further clarify this claim, applicant has amended claim 84 to recite that the return electrode is spaced 0.5 to 25 mm from the electrode terminal in the tissue treatment direction.

Claims 80-85, 87-103 and 105-109 stand rejected for double patenting over claims 1-59 of U.S. Patent No. 5,697,909. Applicant disagrees with this rejection. However, to expedite prosecution and obviate this rejection, applicant has filed a terminal disclaimer concurrent with this response.

Claims 80-82, 85, 87-89, 94, 95, 97, 98, 102, 103 and 107 are rejected as being anticipated by Bales, claims 80-83, 85, 87-89, 91, 94, 95, 98, 99, 102, 103 and 105-109 are rejected as being anticipated by Baker and claims 80-82, 87-89, 91, 92, 94, 95, 98, 100, 102 and 107 are rejected as being anticipated by Lax. Applicant disagrees with these rejections, particularly many of the rejections of the dependent claims, which recite features that are not disclosed or inherent in the cited references. However, to expedite prosecution of this application, applicant has amended independent claims 80 and 102 to incorporate the features of dependent claim 93. Accordingly, applicant requests that these rejections be withdrawn.

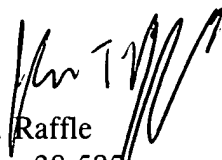
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Claims 80-82, 85, 87, 88, 90, 93, 97, 98, 102 and 103 stand rejected as being anticipated by Janssen. The Examiner has taken the position that the intended use of the system fails to define over the system disclosed by the reference. Applicant also disagrees with this position. However, to further expedite prosecution, applicant has incorporated the features of claim 84 into claim 80. In addition, applicant has incorporated the features of claim 107 into claim 102. Accordingly, applicant requests the Examiner to withdraw this rejection.

Claim 101 was not rejected over the prior art references. New independent claim 127 incorporates the features of old claims 80, 100 and 101. Accordingly, this claim should be in condition for allowance. In addition, new independent claim 110 incorporates the features of old claims 80, 93 and 99. None of the cited references disclose these newly claimed features. Accordingly, this claim should also be in condition for allowance.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 736-0224.

Respectfully submitted,


John T. Raffle
Reg. No. 38,585

ArthroCare Corporation
595 N. Pastoria Avenue
Sunnyvale, CA 94086

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